

Customer No.	026418	
Attorney's Docket No.:	GK-GEY-1110 / 500350.20133	
U.S. Application No.:	09/831,985	
International Application No.:	PCT/EP00/08959	
International Filing Date:	SEPTEMBER 14, 2000	14 SEPTEMBER 2000
Priority Date Claimed:	SEPTEMBER 17 1999	17 SEPTEMBER 1999
Title of Invention:	DEVICE FOR THE ATOMIZATION OF LIQUID SAMPLES	
Applicant(s) for (DO/EO/US):	Harald BERNDT and Attila GÁSPÁR	

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☒ 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ 3. This express request to begin national examination procedures [35 U.S.C. 371 (f)] at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C. 371(b) and PCT Articles 22 and
- ☐ 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- ☒ 5. A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a) ☐ is transmitted herewith (required only if not transmitted by the International Bureau)
  - b) ☐ has been transmitted by the international Bureau
  - c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
- ☐ 6. A translation of the International Application into English [35 U.S.C. 371(c)(2)]
- ☐ 7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a) ☐ are transmitted herewith (required only if not transmitted by the International Bureau)
  - b) ☐ have been transmitted by the International Bureau
  - c) ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
  - d) ☐ have not been made and will not be made
- ☐ 8. A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]
- ☒ 9. An EXECUTED Oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)] **(\*See comments in item 16)**
- ☐ 10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]

**Items 11. to 16. Below concern other document(s) or information included:**

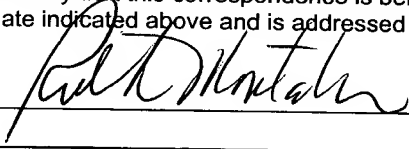
- ☐ 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98
- ☐ 12. An Assignment document for recording. A separate cover sheet (PTO-1619A) in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ 13. ☒ A **FIRST** preliminary amendment  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment
- ☐ 14. A **substitute specification**
- ☐ 15. A change of power of attorney and/or address letter
- ☒ 16. (other items or information) **PCT/DO/EO/905 and PCT/DO/EO/917 both dated 13JUL01**

**\* Please note the corrected citizenship of the 2<sup>nd</sup> inventor (Attila GÁSPÁR)**

EXPRESS MAIL No.: **EL 915 671 109 US**

Deposited: **September 19, 2001**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: BOX PCT, Commissioner for Patents, Washington, DC 20231.

 /Ruth Montalvo Date: September 19, 2001

U.S. Application No. (if known, see 37 C.F.R. 1.50): **09/831,985**

Page 2

International Application No.: **PCT/EP00/08959**

Attorney's Docket No: **GK-GEY-1110 / 500350.20133**

ONLY

CALCULATIONS

PTO USE

☐ 17. The following fees are submitted:

**BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]**

<input checked="" type="checkbox"/>	Search Report has been prepared by the EPO or JPO.....	\$	860.00
<input type="checkbox"/>	International preliminary examination fee paid to USPTO [37 CFR 1.482].....	\$	690.00
<input type="checkbox"/>	No International preliminary examination fee paid to USPTO [37 CFR 1.482] but International search fee paid to USPTO [37 CFR 1.445(a)(2)].....	\$	710.00
<input type="checkbox"/>	Neither International preliminary examination fee [37 CFR 1.482] nor International search fee [37 CFR 1.445(a)(2)] paid to USPTO.....	\$	1,000.00
<input type="checkbox"/>	International preliminary examination fee paid to USPTO [37 CFR 1.482] and all claims satisfied provisions of PCT Article 33(1)-(4).....	\$	100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT:**

Claims

Number  
Filed

Number  
Extra

Rate

Total Claims  
Indep. Claims

-20  
-03

x \$ 18. =  
x \$ 80. =

☐ Multiple Dependent Claim(s) (if applicable)

+ \$ 270. =

**TOTAL OF ABOVE CALCULATIONS:**

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the  
earliest claimed priority date [37 CFR 1.492(e)]

**\$130.00**

**TOTAL OF ABOVE CALCULATIONS:**

**\$130.00**

Applicant claims Small Entity Status [See 37 CFR 1.27] Reduction by 1/2 for filing by small entity

**SUBTOTAL:**

**\$130.00**

Processing fee of \$130.00 for furnishing the English Translation later than ☐ 20 ☐ 30 months from  
the earliest claimed priority date [37 CFR 1.492(f)]

**TOTAL NATIONAL FEE:**

**\$130.00**

Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be accompanied  
by an appropriate cover sheet (PTO-1595) [37 CFR 3.28, 3.31] \$ 40.00 per property +

**TOTAL FEE(S):**

**\$130.00**

**AMOUNTS TO BE  
REFUNDED OR CHARGED**

**REFUNDED  
CHARGED**

☒ Check in the amount of **\$ 130.00** to cover the above fees is enclosed. (The Commissioner is hereby authorized to  
charge any additional fees required with this submission or to credit any overpayment to Deposit Account No:  
50-1529.)

**NOTE:** Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a)  
or (b)] must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

**Gerald h. Kiel, Esq.**

(Customer No. 026418)

Reed Smith LLP

375 Park Avenue

New York, NY 10152

Gerald H. Kiel

Name (Tel. (212) 521-5400)

Signature

25,116

Reg. No.

September 19, 2001

Date



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/831985	BERNDT	H
		GK-GEY-1110/
INTERNATIONAL APPLICATION NO.		
PCT/EP00/08959		

REED SMITH LLP  
375 PARK AVENUE  
NEW YORK, NY 10152

I.A. FILING DATE	PRIORITY DATE
14 SEP 2000	17 SEP 1999

**13 JUL 2001**

DATE MAILED:

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☒ a Designated Office (37 CFR 1.494) ☐ an Elected Office (37 CFR 1.495):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.  | <input type="checkbox"/> Indication of Small Entity Status.                                    |
| <input checked="" type="checkbox"/> Copy of the international application.  | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).   | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.   | <input type="checkbox"/> Other:  |
| <input type="checkbox"/> Priority Document.   |  |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.     |  |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |  |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

- Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☐ PCT/DO/EO/920

FORM PCT/DO/EO/905 (Rev. 001)

**DOCKET**Francine Young  
Telephone: 703-305-3662DUE Sept. 13, 2001*Specified Del. + Surcharge*



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/831985	BERNDT	H GK-GEY-1110/
INTERNATIONAL APPLICATION NO.		
PCT/EP00/08959		
I.A. FILING DATE	PRIORITY DATE	
14 SEP 2000	17 SEP 1999	

REED SMITH LLP  
375 PARK AVENUE  
NEW YORK, NY 10152

DATE MAILED:

13 JUL 2001

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

  
Francine Young  
Telephone: 703-305-3662